



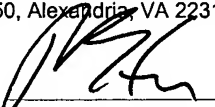
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April 23, 2004

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| CERTIFICATE OF MAILING 37 C.F.R. 1.8 | |
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| April 23, 2004 |  |
| Date | Robert E. Hanson |

MS DD

Commissioner for Patents
P.O. Box 1450

Alexandria, Virginia 22313-1450

RE: *U.S. Patent Application No. 10/767,312 entitled "EXPRESSION LIBRARY IMMUNIZATION" – by Stephen A. Johnston, et al.*
Our Ref. UTSD:681USC1
Client Ref. UTSMD/DAL:681


Sir :

Enclosed for filing in the above-referenced patent application is an Information Disclosure Statement and Form PTO-1449.

No fees are believed to be due in connection with the filing of this Information Disclosure Statement, however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to the enclosed materials, the Commissioner is authorized to deduct the appropriate fees from Fulbright & Jaworski Deposit Account No.: 50-1212/UTSD:681USC1.

Please date stamp and return the enclosed postcard evidencing receipt of these materials.

Respectfully submitted,


Robert E. Hanson
Reg. No. 42,628

REH/cas
Encl.: as noted

25395805.1



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Stephen A. Johnson et al.

Serial No.: 10/767,412

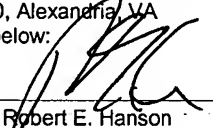
Filed: January 29, 2004

For: EXPRESSION LIBRARY IMMUNIZATION

Group Art Unit: Unknown

Examiner: Unknown

Atty. Dkt. No.: UTSD:681USC1

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| April 23, 2004 |  |
| Date | Robert E. Hanson |

INFORMATION DISCLOSURE STATEMENT

MS DD

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56, it is respectfully requested that this Information Disclosure Statement be entered and the documents listed on attached Form PTO-1449 be considered by the Examiner and made of record.

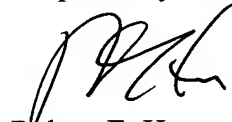
In accordance with 37 C.F.R §§ 1.97(g), (h), this Information Disclosure Statement is not to be construed as a representation that a search has been made, and is not to be construed to be an admission that the information cited is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

The present Information Disclosure Statement is being filed prior to the receipt of a first Official Action reflecting an examination on the merits, and hence is believed to be timely filed in accordance with 37 C.F.R § 1.97(b). No fees are believed to be due in connection with the filing of this Information Disclosure Statement, however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to these materials, the Commissioner is authorized to deduct the appropriate fees from Fulbright & Jaworski Deposit Account No.: 50-1212/UTSD:681USC1.

This application is a continuation application of Serial No. 09,448,330, filed November 22, 1999, which is a divisional of Serial No. 09/001,157, filed December 30, 1996, which is a divisional of 08/421,155, filed April 7, 1995 and is relied upon for an earlier filing date under 35 U.S.C. § 120. In accordance with Rule 37 C.F.R. § 1.98(d) copies of the listed documents are not enclosed as they have been previously cited by or submitted to the Patent and Trademark Office in prior applications Serial No. 09,448,330, Serial No. 09/001,157 and Serial No. 08/421,155.

Applicants respectfully request that the listed documents be made of record in the present case.

Respectfully submitted,



Robert E. Hanson
Reg. No. 42,628
Attorney for Applicants

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600 Congress Avenue, Suite 2400
Austin, Texas 78701
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Date: April 23, 2004

**Form PTO-1449** (modified)

List of Patents and Publications for Applicant's

INFORMATION DISCLOSURE STATEMENT

(Use several sheets if necessary)

Atty. Docket No.

UTSD:681USC1

Serial No.

10/767,412

Applicants

Stephen A. Johnston et al.

Filing Date:

January 29, 2004

Group:

Unknown

U.S. Patent Documents

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Foreign Patent Documents

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Other Art

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U.S. Patent Documents

| Exam. Init. | Ref. Des. | Document Number | Date | Name | Class | Sub Class | Filing Date if App. |
|-------------|-----------|-----------------|----------|-----------------------------|-------|-----------|---------------------|
| | A1 | 4,950,589 | 8/10/87 | Butman <i>et al.</i> | 435 | 7.32 | 8/21/90 |
| | A2 | 5,589,466 | 12/31/96 | Feigner, <i>et al.</i> | 514 | 44 | 01/26/95 |
| | A3 | 5,451,399 | 09/19/95 | Gimbrone, Jr. <i>et al.</i> | 424 | 85.2 | 10/19/92 |
| | A4 | 5,703,057 | 12/30/97 | Johnston <i>et al.</i> | 514 | 44 | 04/07/95 |

Foreign Patent Documents

| Exam. Init. | Ref. Des. | Document Number | Date | Country | Class | Sub Class | Translation Yes/No |
|-------------|-----------|-----------------|----------|---------|-------|-----------|--------------------|
| | B1 | WO 95/05853 | 03/02/95 | PCT | | | |

Other Art (Including Author, Title, Date Pertinent Pages, Etc.)

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| | C1 | Ada, "Strategies for Exploiting the Immune System in the Design of Vaccines," <i>Molec. Immunol.</i> , 28(3):225-230, 1991. |
| | C2 | Asubel <i>et al.</i> , In: <i>Current Protocols in Molecular Biology</i> , John-Wiley & Sons, New York, pp 6.0.3-6.0.4, 1988. |
| | C3 | Ausebel, Ed., In: <i>Short Protocols in Molecular Biology A Compendium of Methods from Current Protocols in Molecular Biology</i> , 2nd Ed., Harvard Medical School, publication date unknown. |
| | C4 | Barry <i>et al.</i> , "Protection against mycoplasma infection using expression-library immunization," <i>Nature</i> , 377:632-635, 1995. |
| | C5 | Barry <i>et al.</i> , "Production of Monoclonal Antibodies by Genetic Immunization," <i>BioTechniques</i> , 16(4):616-620, 1994. |
| | C6 | Coney <i>et al.</i> , "Facilitated DNA inoculation induces anti-HIV-1 immunity <i>in vivo</i> ," <i>Vaccine</i> , 12(16):1545-1550, 1994. |
| | C7 | Conry <i>et al.</i> , "Immune Response to a Carcinoembryonic Antigen Polynucleotide Vaccine," <i>Cancer Research</i> , 54:1164-1168, 1994. |

Examiner:

Date Considered:

EXAMINER: initial if reference considered, whether or not citation is in conformance with MPEP609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Information Disclosure Statement — PTO-1449 (Modified)

A: 243537(57WX011.DOC)

* Did not receive any FDR or NPL.

Form PTO-1449 (modified APR 26 2004)

List of Patents and Publications for Applicant's

INFORMATION DISCLOSURE STATEMENT

(Use several sheets if necessary)

Atty. Docket No.

UTSD:681USC1

Serial No.

10/767,412

Applicants

Stephen A. Johnston et al.

Filing Date:

January 29, 2004

Group:

Unknown

U.S. Patent Documents

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Foreign Patent Documents

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Other Art

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Other Art (Including Author, Title, Date Pertinent Pages, Etc.)

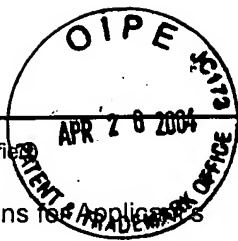
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| | C8 | Conry, "Immune response to a carcinoembryonic antigen polynucleotide vaccine," <i>Cancer Research</i> , 54:1164-1168, 1994. |
| | C9 | Cox <i>et al.</i> , "Bovine Herpesvirus 1: Immune Responses in Mice and Cattle Injected with Plasmid DNA," <i>J. Virol.</i> , 67(9):5664-5667, 1993. |
| | C10 | Crystal, "Transfer of genes to humans: Early lessons and obstacles to success," <i>Science</i> , 270:404-409, 1995. |
| | C11 | Davis <i>et al.</i> , "DNA-based immunization induces continuous secretion of hepatitis B surface antigen and high levels of circulating antibody," <i>Human Molecular Genetics</i> , 2:(11)1847-1851, 1993. |
| | C12 | Eisenbraun <i>et al.</i> , "Examination of Parameters Affecting the Elicitation of Humoral Immune Responses by Particle Bombardment-Mediated Genetic Immunization," <i>DNA Cell Biol.</i> , 12(9):791-797, 1993. |
| | C13 | Fynan <i>et al.</i> , "DNA vaccines: Protective immunizations by parenteral, mucosal, and gene-gun inoculations," <i>Proc. Natl. Acad. Sci. USA</i> , 90:11478-11482, 1993. |
| | C14 | Fynan, "DNA vaccines: protective immunizations by parenteral, mucosal, and gene-gun inoculations," <i>PNAS</i> , 90:11478-11482, 1993. |
| | C15 | Klein, In: <i>Immunology: The Science of Self-Nonself Discrimination</i> , John Wiley & Sons, New York, pp 6-9, 660-661, 1982. |
| | C16 | Kovacovics-Bankowski <i>et al.</i> , "Efficient major histocompatibility complex class I presentation of exogenous antigen upon phagocytosis by macrophages," <i>Proc. Natl. Acad. Sci. USA</i> , 90:4942-4946, 1993. |
| | C17 | Lai <i>et al.</i> , "Protection of mice against experimental murine mycoplasmosis by a <i>Mycoplasma pulmonis</i> immunogen in lysogenized <i>Escherichia coli</i> ," <i>Vaccine</i> , 12(4):291-298, 1994. |
| | C18 | Lowrie <i>et al.</i> , "Towards a DNA vaccine against tuberculosis," <i>Vaccine</i> , 12(16):1537-1540, 1994. |
| | C19 | Pietromonaco, "Molecular cloning of a cDNA encoding a major pathogenic domain of the Heymann nephritis antigen gp330," <i>PNAS</i> , 8:1811-1815, 1990. |
| | C20 | Soukhanov <i>et al.</i> (Eds.), In: <i>Webster's II. New Riverside University Dictionary</i> , The Houghton Mifflin Co., Boston, MA, p 67, 1984. |
| | C21 | Stryer, In: <i>Biochemistry</i> , W.H. Freeman and Co., San Francisco, p 732, 1975. |

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Information Disclosure Statement — PTO-1449 (Modified)

Form PTO-1449 (modified)

List of Patents and Publications for Applicant

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(Use several sheets if necessary)

Atty. Docket No.

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Serial No.

10/767,412

Applicants

Stephen A. Johnston et al.

Filing Date:

January 29, 2004

Group:

Unknown

U.S. Patent Documents

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Foreign Patent Documents

See Page 1

Other Art

*See Page 1***Other Art (Including Author, Title, Date Pertinent Pages, Etc.)**

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| | C22 | Tang <i>et al.</i> , "Genetic immunization is a simple method for eliciting an immune response," <i>Nature</i> , 356:152-154, 1992. |
| | C23 | Ulmer <i>et al.</i> , "Heterologous Protection Against Influenza by Injection of DNA Encoding a Viral Protein," <i>Science</i> , 259:1745-1749, 1993. |
| | C24 | Wang <i>et al.</i> , "DNA inoculation induces cross clade anti-HIV-1 responses," <i>Annals of the New York Academy of Sciences</i> , 772:186-197, 1995. |
| | C25 | Wang <i>et al.</i> , "Gene inoculation generates immune responses against human immunodeficiency virus type 1," <i>Proc. Natl. Acad. Sci. USA</i> , 90:4156-4160, 1993. |
| | C26 | Warner <i>et al.</i> , "Retroviral vectors for HIV immunotherapy," <i>Annals of the New York Academy of Sciences</i> , 772:105-116, 1995. |
| | C27 | Xiang <i>et al.</i> , "Vaccination with a Plasmid Vector Carrying the Rabies Virus Glycoprotein Gene Induces Protective Immunity against Rabies Virus," <i>Virology</i> , 199:132-140, 1994. |

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